

IN THE MATTER of The Ontario Human Rights Code,  
1961-62.

AND IN THE MATTER of two complaints by Mrs. PEARL CROSSWELL that she was refused employment because of her race and colour in the City of Owen Sound by Mr. Tony Protopapas, co-owner of SCOPIS RESTAURANT LIMITED, 873 2nd Avenue East, Owen Sound, Ontario and specifically that she was initially refused employment in February of 1965 and that Mr. Protopapas did not subsequently invite her to apply for a position as agreed upon in his letter of compliance dated May 6, 1965, to The Ontario Human Rights Commission.

AND IN THE MATTER of a Board of Inquiry set up under the said Code.

Board of Inquiry - His Honour Judge C. E. Bennett.

Appearances:

Mr. Bruce M. Haines, Counsel for The Ontario Human Rights Commission,

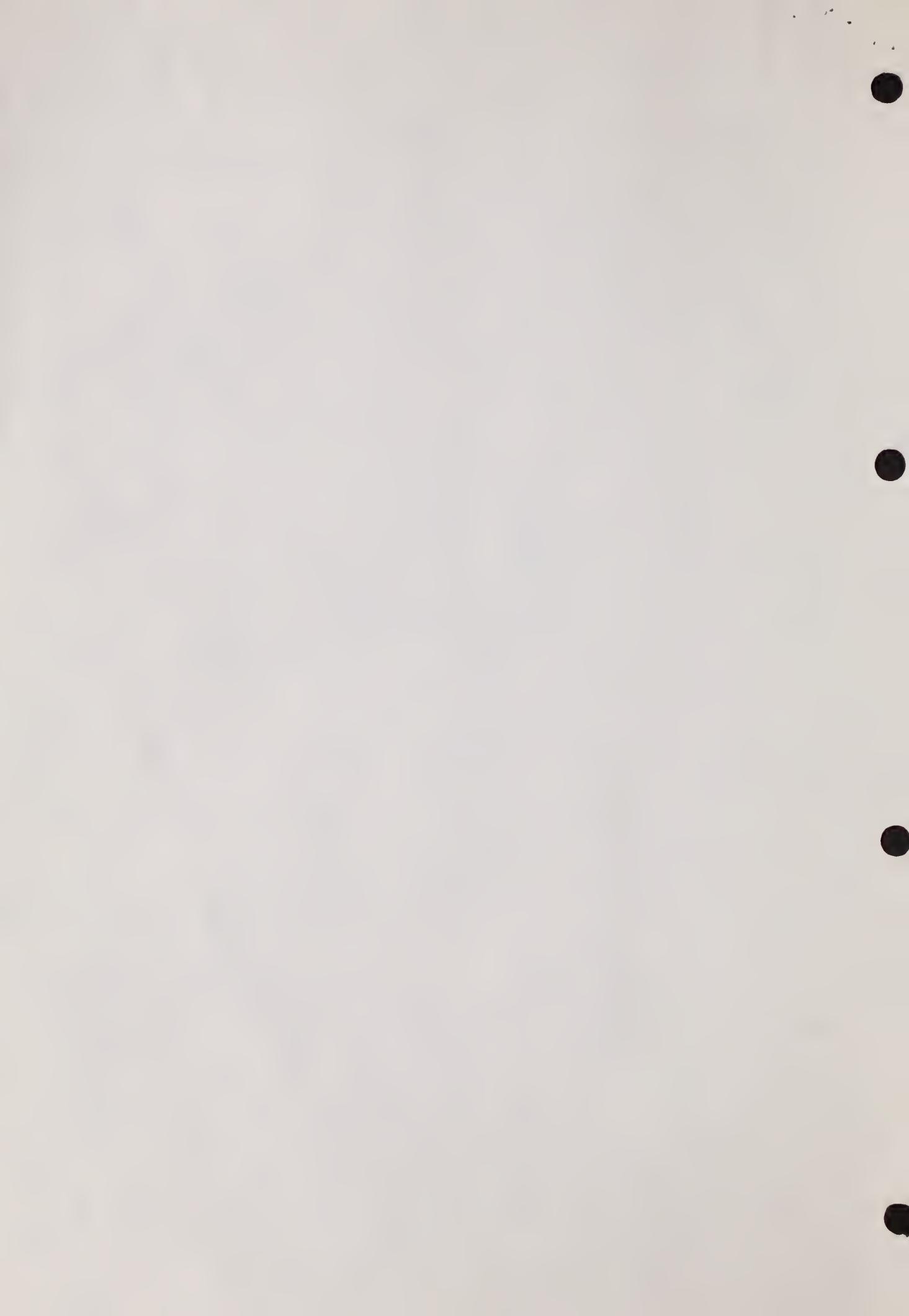
Mr. M. C. Keon, Counsel for Scopis Restaurant Limited.

To:

The Ontario Human Rights Commission,  
74 Victoria Street,  
Toronto 1, Ontario.

Gentlemen:

Pursuant to my appointment by The Minister of Labour on the 7th day of January 1966, as a Board of Inquiry under The Ontario Human Rights Code to inquire into the above mentioned complaints, I arranged for a hearing at the Court House in Owen Sound on February 24th, 1966. At the hearing the respondent, Mr. Tony Protopapas was represented by Mr. M. C. Keon, and Mr. Bruce M. Haines for the complainant and The Ontario Human Rights Commission. At the opening of the hearing at 10 a.m., counsel requested an adjournment until 12:30 p.m., for the reason that it was anticipated a settlement could be reached.



At 12:30 p.m., I was informed that an agreement had been reached in the following terms, namely:

IN THE MATTER OF the Ontario Human Rights Code, 1961-62 (Ont.) c. 93

AND IN THE MATTER OF two complaints by Mrs. PEARL CROSSWELL that she was refused employment because of her race and colour in the City of Owen Sound by Mr. Tony Protopapas, co-owner of SCOPIS RESTAURANT LIMITED, 873 2nd Avenue East, Owen Sound, Ontario and specifically that she was initially refused employment in February of 1965 and that Mr. Protopapas did not subsequently invite her to apply for a position as agreed upon in his letter of compliance dated May 6, 1965, to the Ontario Human Rights Commission.

AND IN THE MATTER OF a Board of Inquiry set up under the said Code.

MEMORANDUM OF AGREEMENT

SCOPIS RESTAURANT LIMITED hereby affirms and declares that it subscribes to the provisions of the Ontario Human Rights Code, S.O. 1961-62, c. 93, and states as follows:

1. THAT SCOPIS RESTAURANT LIMITED shall forthwith convey to Mrs. PEARL CROSSWELL a letter indicating that at no time did SCOPIS RESTAURANT LIMITED intend to discriminate against her on the basis of race or colour, as regards her job application, and that any misunderstandings that may have caused her inconvenience are hereby sincerely regretted; and further that the letter shall express to Mrs. PEARL CROSSWELL the declared policy of SCOPIS RESTAURANT LIMITED to abide by the provisions of the Ontario Human Rights Code.

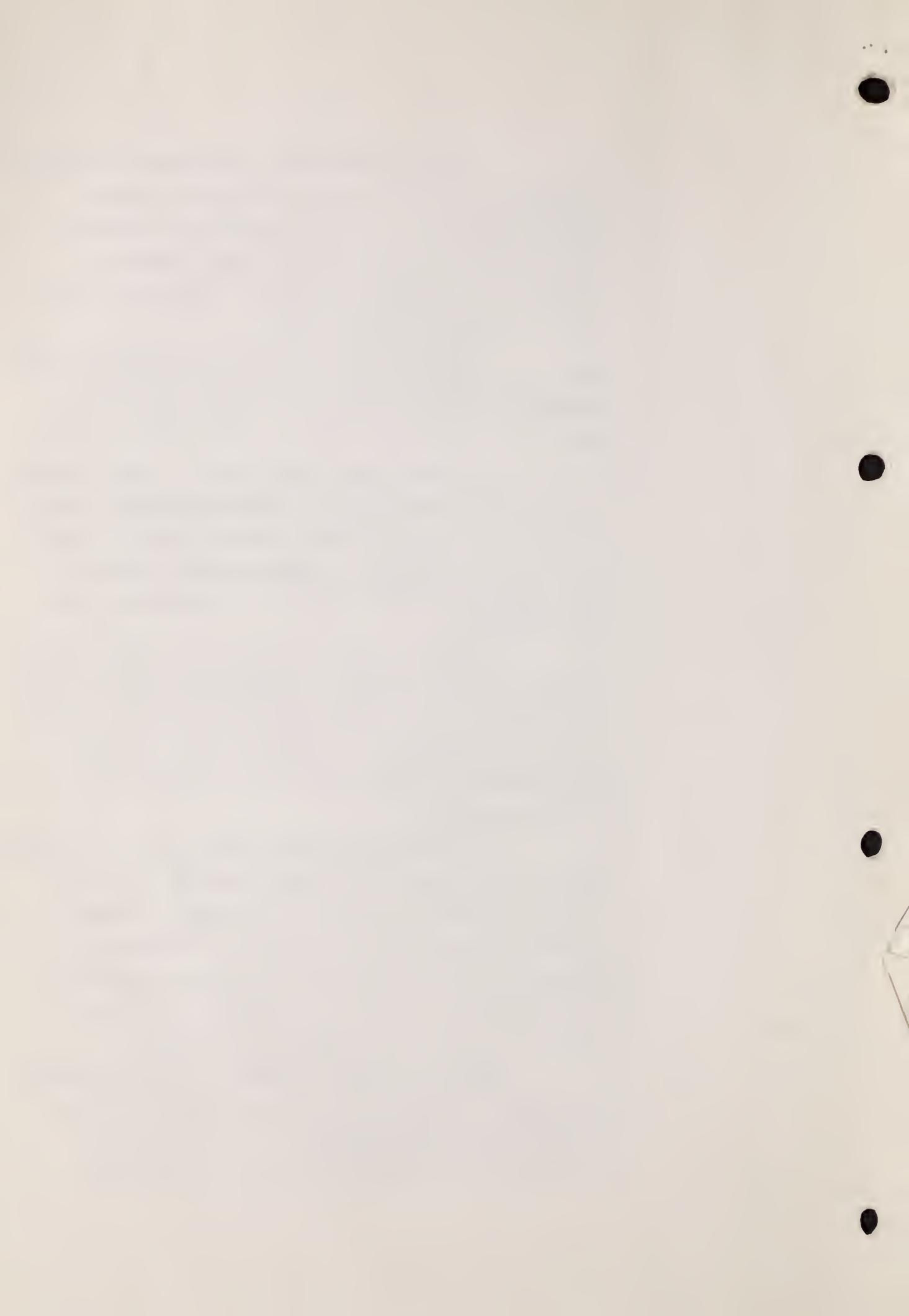
2. THAT hereafter it shall cause to be posted permanently in its business premises, in prominent places, the two Ontario Human Rights Code Scrolls which shall herewith be provided by the Ontario Human Rights Commission.



3. THAT SCOPIS RESTAURANT LIMITED hereby undertakes, as evidence of its good faith, to offer to Mrs. PEARL CROSSWELL full-time or part-time employment as a waitress in its restaurant at its prevailing rate of wages and according to its prevailing schedule of working hours, upon the following terms and conditions:

- (a) that as soon as a vacancy for a waitress, either part-time or full-time, next becomes available, SCOPIS RESTAURANT LIMITED shall offer Mrs. PEARL CROSSWELL the position;
- (b) provided always, that should Mrs. PEARL CROSSWELL be offered full-time employment by SCOPIS RESTAURANT LIMITED, and declines the same, then when the next subsequent vacancy for part-time employment as a waitress becomes available, SCOPIS RESTAURANT LIMITED shall offer the position to Mrs. PEARL CROSSWELL,
- (c) provided always, that should Mrs. PEARL CROSSWELL be offered part-time employment by SCOPIS RESTAURANT LIMITED, and declines the same, then when the next subsequent vacancy for full-time employment as a waitress becomes available SCOPIS RESTAURANT LIMITED shall offer the position to Mrs. PEARL CROSSWELL;
- (d) that SCOPIS RESTAURANT LIMITED shall make available forthwith to the Ontario Human Rights Commission a list of its employees presently employed as waitresses, together with their addresses, and further agrees to notify the Commission forthwith at such time as the first vacancy for full-time employment and the first vacancy for part-time employment, for waitresses, arises in its business.

4. THAT the Secretary-Treasurer of SCOPIS RESTAURANT LIMITED shall post an open letter on the Company Bulletin Board in its restaurant premises, to all its personnel, instructing them and informing them of the Company's ad-



herence to the Ontario Human Rights Code in its hiring and employment practices, and their complete support for it, which said letter shall remain so posted for a period of thirty days.

5. THAT SCOPIS RESTAURANT LIMITED shall, by letter, convey to Mr. T. M. Eberlee, Deputy Minister of Labour and Secretary of the Ontario Human Rights Commission, written assurance that SCOPIS RESTAURANT LIMITED will abide by the provisions of the Code.

SCOPIS RESTAURANT LIMITED hereby agrees that this Memorandum of Agreement shall be treated in the same manner as an Order made under the Ontario Human Rights Code 1961-62.  
DATED at Owen Sound, Ontario, this 24th day of February, 1966.

SCOPIS RESTAURANT LIMITED

(sgd) George Protopapas  
President.

(sgd) Tony Protopapas  
Secretary

ONTARIO HUMAN RIGHTS COMMISSION

By its Counsel:

(sgd) Bruce Haines

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After reading the Agreement in open Court I asked the complainant Mrs. Pearl Crosswell and both counsel if they were satisfied with the settlement and they all replied in the affirmative.

In view of the Agreement signed by Mr. Protopapas that he affirms and declares that he subscribes to the provisions of The Ontario Human Rights Code, that he did not intend to



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discriminate against the complainant on the basis of race and colour as regards her job application, and in view of the undertaking which he has made with respect to job vacancies or part-time job vacancies, I recommend, subject to the implementation by Mr. Protopapas and the undertakings specified in the memorandum of agreement, that no further proceedings in respect of the complaint of Mrs. Pearl Crosswell against Mr. Protopapas be taken. I enclose, as requested by counsel for The Ontario Human Rights Commission, a transcript of what was said in open Court by counsel and by the Court.

All of which is respectfully submitted.

(sgd) C. E. Bennett

Dated at Owen Sound, Ontario,  
this 2nd day of March, 1966.

